



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-3503 FAX (603) 271-2982



Michael Rodrigues
488 Deer Meadow Road
Webster, NH 03303

LETTER OF DEFICIENCY

#SP-2002-14

July 23, 2002

RE: DES Wetlands File #2002-01396 Deer Meadow Drive, Webster

Dear Mr. Rodrigues

On July 9, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, identified as Webster Tax Map 10/2, Lot #22 and #23, Deer Meadow Road, Webster, New Hampshire (the "Property"). The purpose of this site inspection was to determine compliance with RSA 483-B, The Comprehensive Shoreland Protection Act. During the inspection the following deficiencies were noted:

1. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers were not kept in place. Saplings that had been planted in response to a previous Letter of Deficiency (#BB-1998-35) were no longer present.
2. A deck, considered an accessory structure under RSA 483-B, has been constructed on the property. As the measurements of this deck exceed 150 square feet, it must be setback 50 feet from the reference line of Pillsbury Lake.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES. The restoration plan should include replacement of native and natural vegetation and an explanation of how the deck will be brought into compliance. Please submit the following with the restoration plan:

A plan with dimensions, drawn to scale, showing;

- i. existing conditions,
 - ii. proposed conditions after restoration with native vegetation.
- b. A detailed description of the proposed means of erosion and sediment controls to stabilize the restoration area and prevent impacts to Pillsbury Lake;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area. A plantings plan showing the number, type of plant species, proposed location of plantings, and diameters of the plant species at breast height. Saplings should be a minimum of 4-6 feet in height and all plantings should be from the list of New Hampshire native and naturalized species. Saplings should be proposed in areas where trees were removed.

- d. A description of how the deck will be brought into compliance.
 - e. A timeframe by which the restoration is expected to be completed.
2. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands Law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit.

RSA 483-B, CSPA, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Allyson Gourley, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Enclosed, for your information, are copies of fact sheets explaining the Comprehensive Shoreland Protection Act, a copy of the Act, administrative rules Env-Ws 1400, and proper installation and maintenance of erosion control measures. Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Allyson Gourley at (603) 271-6876.

Sincerely,


COPY

Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL #7099 3400 0003 0688 0351

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Mark Harbaugh, DES Enforcement Attorney ✓
Webster Conservation Commission
Webster Board of Selectmen
David Killoy, USACOE